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**REQUEST AND CERTIFICATION  
 UNDER  
 35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Yi He

Title INTEGRATED FIBER TAP MONITOR WITH  
 VARIABLE OPTICAL ATTENUATOR

Atty Docket Number 12227-067001

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/01/03

Date

  
 Signature

Bing Ai

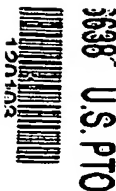
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This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

# FISH & RICHARDSON P.C.

December 1, 2003

Attorney Docket No.: 12227-067001

## Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Presented for filing is a new patent application claiming priority from a provisional patent application of:

Applicant: YI HE AND JIAN LI

Title: INTEGRATED FIBER TAP MONITOR WITH VARIABLE OPTICAL ATTENUATOR

Enclosed are the following papers, including those required to receive a filing date under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	20
Claims	6
Abstract	1
Declaration	[To be Filed at a Later Date]
Drawing(s)	5

### Enclosures:

- Small entity statement. This application is entitled to small entity status.
- Postcard.
- Request for non-publication.

Under 35 USC §119(e)(1), this application claims the benefit of prior U.S. provisional application 60/439,077, filed January 8, 2003.

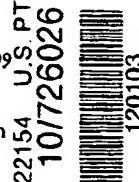
Basic filing fee	\$0
Total claims in excess of 20 times \$9	\$0
Independent claims in excess of 3 times \$43	\$0
Fee for multiple dependent claims	\$0
Total filing fee:	\$0

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December 1, 2003

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No filing fee is being paid at this time.

If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 678-5070.

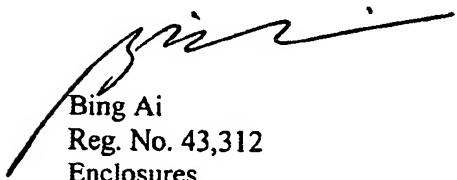
Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please direct all correspondence to the following:

20985

PTO Customer Number

Respectfully submitted,



Bing Ai

Reg. No. 43,312

Enclosures

BXA/rpi

10349120.doc